

Do I need Alcohol and Drug testing?



46 CFR 4.05-12

For each marine casualty required to be reported, and verified to be a Serious Marine Incident, the marine employer shall determine whether there is any evidence of alcohol or drug use by individuals directly involved in the casualty and report the results on a CG-2692B.

Serious Marine Incident

46 CFR 4.03-2

The term Serious Marine Incident (SMI) includes the following events involving a vessel in commercial service:

(a) Any marine casualty or accident as defined on the front of this brochure or 46 CFR 4.03-1, which is required by 46 CFR 4.05-1 to be reported to the Coast Guard and which results in any of the following:

- 1) One or more deaths;
- 2) An injury to a crewmember, passenger, or other person which requires professional medical treatment beyond first aid, and, in the case of a person employed aboard a vessel in commercial service, which renders the individual unfit to perform routine vessel duties;
- 3) Damage to property, as defined in 46 CFR 4.05-1(a)(7) of this part, in excess of \$100,000;
- 4) Actual or constructive total loss of any vessel Subject to inspection under 46 USC 3301;
- 5) Actual or constructive total loss of any self-propelled vessel, not subject to inspection under 46 USC 3301, - 100 gross tons or more;

(b) A discharge of oil of 10,000 gallons or more into the navigable waters of the United States, as defined by 33 USC 1321, whether or not resulting from a marine casualty;

(c) A discharge of a reportable quantity (RQ) of a hazardous substance into navigable waters of the U.S. or a release of a RQ of a hazardous substance into the environment, whether or not resulting from a marine casualty.

Report All Oil and Chemical Spills

The National Response Center (NRC) is the sole federal point of contact for reporting oil and chemical spills.

1-800-424-8802

Suspicious Activity: Any incident, activity, or behavior that you deem to be activity of a suspicious nature should be reported to the National Response Center (NRC) by calling

1-877-24-WATCH or 1-800-424-8802

United States Coast Guard
www.uscg.mil

National Response Center
www.nrc.uscg.mil

Coast Guard Sector New Orleans Homeport
<http://homeport.uscg.mil/nola>

Schedule your free 'no fault' Commercial Fishing
Vessel Dockside Safety Exam by calling:
1-800-891-1197

To schedule an Uninspected Towing Vessel (UTV)
Exam call **504-565-5056**

Coast Guard Towing Vessel Program Information
<http://homeport.uscg.mil/TowingVessels>

Vessel Traffic Center (VTC)
Monitors VHF-FM Channels: **67 & 12**
Phone: **504-589-2780**

Report Marine Casualties

(24 hrs) **Command Center** **VTS LMR** (24 hrs)

504-846-5923

504-589-2780

VHF-FM 16

VHF-FM 67 or 12

(24 hrs)

(24 hrs)

****Please send CG-2692's via e-mail, fax, or mail:****

E-mail: NewOrleansIO@uscg.mil

Fax: **504-589-4244**

Mail: Commander

CG Sector New Orleans

1615 Poydras Street, 7th Floor

New Orleans, LA 70112

Attn: Investigations Division



**United States
Coast Guard
Sector New Orleans**



Department of Homeland Security

Commercial Vessels: Reportable Marine Casualty and what to do?



Notice of Marine Casualty (46 CFR 4.05-1)

- 1) Unintended grounding, or an unintended strike of (allision with) a bridge;
- 2) Intended grounding, or bridge allision causing a hazard to navigation, the environment, safety of a vessel, or creates #3 through # 8 below;
- 3) Loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel;
- 4) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service or route;
- 5) Loss of Life;
- 6) Injuries requiring professional medical treatment (treatment beyond first aid), and, for persons engaged or employed aboard, renders them unfit to perform routine duties;
- 7) Occurrence causing property damage in excess of \$25,000;
- 8) An occurrence involving significant harm to the environment as defined in 46 CFR 4.03-65

I've had a "Reportable" Marine Casualty,

now what do I do?"

46 CFR 4.05-1

(a) Immediately after the addressing of resultant safety concerns, the owner, agent, master, operator, or person in charge of a vessel, shall notify the Coast Guard.

Step 1

Verify that you have been involved in a "Reportable" Marine Casualty as listed on the front of this brochure or 46 CFR 4.05-1. Determine if it is a Serious Marine Incident as listed in this brochure or 46 CFR 4.03-2. Or, if you are unsure that your incident is one of the above.*

Step 2 **

(24 hrs) **Command Center** **VTS LMR** (24 hrs)
504-846-5923 504-589-2780
VHF-FM 16 VHF-FM 67 or 12
(24 hrs) (24 hrs)

Call the U.S. Coast Guard and report it.

Step 3 **

Submit a written report on Form CG-2692
(Report of Marine Accident, Injury or Death)

As per 46 CFR 4.05-10, the owner, agent, master, operator, or person in charge of the vessel shall, within five days, file a written report of any marine casualty required to be reported under 46 CFR 4.05-1.

CG-2692 reporting forms can be obtained online at:
<http://www.uscg.mil/forms/cg.asp?files=20>

Please send CG-2692's to e-mail address, fax number, or address listed on the back of this brochure.

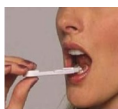
*** IF IN DOUBT, REPORT IT TO THE COAST GUARD**

**** Failure to perform either steps 2 or 3 could result in imposed fines not to exceed \$32,500**

Who is Required to conduct Alcohol and Drug Testing and When?

Federal regulations currently require marine employers to take all practical steps after a Serious Marine Incident (SMI) to have each individual engaged or employed on board a vessel in commercial service, who is directly involved in the incident, chemically tested for evidence of drug and alcohol use. (46 CFR 4.06)

Accessibility of chemical testing devices (46 CFR 4.06-15)



(a) Alcohol Testing. (1) The marine employer must have a sufficient number of alcohol testing devices readily accessible on board the vessel to determine the presence of alcohol in the system of each individual who was directly involved in the SMI.

(2) All alcohol testing devices used to meet the requirements of this part must be currently listed on either the Conforming Products List (CPL) titled "Modal Specifications for Devices To Measure Breath Alcohol" or "Conforming Products List of Screening Devices To Measure Alcohol in Bodily Fluids,"

which are published periodically in the Federal Register by National Highway Traffic Safety Administration (NHTSA).

(3) The alcohol testing devices need not be carried on board each vessel if obtaining the devices and conducting the required alcohol tests can be accomplished within 2 hours from the time of occurrence of the SMI.

(b) Drug testing. (1) The marine employer must have a sufficient number of urine-specimen collection and shipping kits meeting the requirements of 49 CFR part 40 that are readily accessible for use following SMIs. (2) The specimen collection and shipping kits need not be carried on board each vessel if obtaining the kits and collecting the specimen can be completed within 32 hours from the time of the occurrence of the SMI.

Requirements for Alcohol & Drug Testing following a SMI (46 CFR 4.06-3)

Drug testing is mandatory within 32 hours following a Serious Marine Incident.

Alcohol testing is mandatory within 2 hours following a Serious Marine Incident.

If alcohol testing cannot be conducted within 2 hours due to safety concerns directly related to the casualty, testing is to be conducted as soon as the safety concerns have been adequately addressed to permit such testing, but no later than 8 hours after the incident.

The responsibility to ensure that the alcohol testing occurs remains on the marine employer.

Why Does the Coast Guard Investigate Marine Casualties?

The investigations of marine casualties and accidents along with the determinations made are for the purpose of taking appropriate measures for promoting safety of life and property at sea. They are not intended to fix civil or criminal responsibility.

The investigation will determine as closely as possible:

- (1) The cause of the accident;
- (2) Whether there is evidence that any failure of material (either physical or design) was involved or contributed to the casualty, so that proper recommendations for the prevention of the recurrence of similar casualties may be made;
- (3) Whether there is evidence that any act of misconduct, inattention to duty, negligence or willful violation of the law on the part of any licensed or certificated person contributed to the casualty;
- (4) Whether there is evidence that any Coast Guard personnel or employee of any other government agency or any other person caused or contributed to the cause of the casualty; and
- (5) Whether the accident shall be further investigated by a Marine Board of Investigation in accordance with regulations in 46 C.F.R. 4.09

